

# A BILL FOR AN ACT

## RELATING TO THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

## "CHAPTER

## PSYCHOLOGY INTERJURISDICTIONAL COMPACT

6           § -1 **Short title.** This chapter may be cited as the  
7 Psychology Interjurisdictional Compact.

8       § -2 Terms and provisions of compact; authorization;

9   **governor.** The governor may enter into a compact on behalf of

10   the State of Hawaii with any other state legally joining

11   therein, in the form substantially as follows:

## PSYCHOLOGY INTERJURISDICTIONAL COMPACT (PSYPACT)

## ARTICLE I

## **PURPOSE**

15 Whereas, states license psychologists in order to protect  
16 the public through verification of education, training, and



1 experience and ensure accountability for professional practice;  
2 and

3 Whereas, this compact is intended to regulate the  
4 day-to-day practice of telepsychology (i.e., the provision of  
5 psychological services using telecommunication technologies) by  
6 psychologists across state boundaries in the performance of  
7 their psychological practice as assigned by an appropriate  
8 authority; and

9 Whereas, this compact is intended to regulate the temporary  
10 in-person, face-to-face practice of psychology by psychologists  
11 across state boundaries for thirty days within a calendar year  
12 in the performance of their psychological practice as assigned  
13 by an appropriate authority; and

14 Whereas, this compact is intended to authorize state  
15 psychology regulatory authorities to afford legal recognition,  
16 in a manner consistent with the terms of the compact, to  
17 psychologists licensed in another state; and

18 Whereas, this compact recognizes that states have a vested  
19 interest in protecting the public's health and safety through  
20 their licensing and regulation of psychologists and that such  
21 state regulation will best protect public health and safety; and



1       Whereas, this compact does not apply when a psychologist is  
2       licensed in both the home and receiving states; and

3       Whereas, this compact does not apply to permanent  
4       in-person, face-to-face practice, but it does allow for  
5       authorization of temporary psychological practice.

6       Consistent with these principles, this compact is designed  
7       to achieve the following purposes and objectives:

- 8           1. Increase public access to professional psychological  
9           services by allowing for telepsychological practice  
10           across state lines as well as temporary in-person,  
11           face-to-face services into a state that the  
12           psychologist is not licensed to practice psychology;
- 13           2. Enhance the states' ability to protect the public's  
14           health and safety, especially client/patient safety;
- 15           3. Encourage the cooperation of compact states in the  
16           areas of psychology licensure and regulation;
- 17           4. Facilitate the exchange of information between compact  
18           states regarding psychologist licensure, adverse  
19           actions, and disciplinary history;
- 20           5. Promote compliance with the laws governing  
21           psychological practice in each compact state; and



1           6. Invest all compact states with the authority to hold  
2           licensed psychologists accountable through the mutual  
3           recognition of compact state licenses.

## ARTICLE II

## **DEFINITIONS**

6           A. "Adverse action" means any action taken by a state  
7 psychology regulatory authority that finds a violation of a  
8 statute or regulation that is identified by the state psychology  
9 regulatory authority as discipline and is a matter of public  
10 record.

11           B. "Association of State and Provincial Psychology Boards"  
12   means the recognized membership organization composed of state  
13   and provincial psychology regulatory authorities responsible for  
14   the licensure and registration of psychologists throughout the  
15   United States and Canada.

16 C. "Authority to practice interjurisdictional  
17 telepsychology" means a licensed psychologist's authority to  
18 practice telepsychology, within the limits authorized under this  
19 compact, in another compact state.

20 D. "Bylaws" means those bylaws established by the  
21 psychology interjurisdictional compact commission pursuant to



1 article X for its governance, or for directing and controlling  
2 its actions and conduct.

3 E. "Client/patient" means the recipient of psychological  
4 services, whether psychological services are delivered in the  
5 context of healthcare, corporate, supervision, and/or consulting  
6 services.

7 F. "Commissioner" means the voting representative  
8 appointed by each state psychology regulatory authority pursuant  
9 to article X.

10 G. "Compact state" means a state, the District of  
11 Columbia, or United States territory that has enacted this  
12 compact legislation and that has not withdrawn pursuant to  
13 article XIII, section C, or been terminated pursuant to article  
14 XII, section B.

15 H. "Coordinated licensure information system", also  
16 referred to as "coordinated database", means an integrated  
17 process for collecting, storing, and sharing information on  
18 psychologists' licensure and enforcement activities related to  
19 psychology licensure laws, which is administered by the  
20 recognized membership organization composed of state and  
21 provincial psychology regulatory authorities.



1       I. "Confidentiality" means the principle that data or  
2 information is not made available or disclosed to unauthorized  
3 persons and/or processes.

4       J. "Day" means any part of a day in which psychological  
5 work is performed.

6       K. "Distant state" means the compact state where a  
7 psychologist is physically present (not through the use of  
8 telecommunications technologies) to provide temporary in-person,  
9 face-to-face psychological services.

10       L. "E.passport" means a certificate issued by the  
11 Association of State and Provincial Psychology Boards that  
12 promotes the standardization in the criteria of  
13 interjurisdictional telepsychology practice and facilitates the  
14 process for licensed psychologists to provide telepsychological  
15 services across state lines.

16       M. "Executive board" means a group of directors elected or  
17 appointed to act on behalf of, and within the powers granted to  
18 them by, the commission.

19       N. "Home state" means a compact state where a psychologist  
20 is licensed to practice psychology. If the psychologist is  
21 licensed in more than one compact state and is practicing under



1 the authorization to practice interjurisdictional  
2 telepsychology, the home state is the compact state where the  
3 psychologist is physically present when the telepsychological  
4 services are delivered. If the psychologist is licensed in more  
5 than one compact state and is practicing under the temporary  
6 authorization to practice, the home state is any compact state  
7 where the psychologist is licensed.

8       O. "Identity history summary" means a summary of  
9 information retained by the Federal Bureau of Investigation, or  
10 other designee with similar authority, in connection with  
11 arrests and, in some instances, federal employment,  
12 naturalization, or military service.

13       P. "In-person, face-to-face" means interactions in which  
14 the psychologist and the client/patient are in the same physical  
15 space and that does not include interactions that may occur  
16 through the use of telecommunication technologies.

17       Q. "Interjurisdictional practice certificate" means a  
18 certificate issued by the Association of State and Provincial  
19 Psychology Boards that grants temporary authority to practice  
20 based on notification to the state psychology regulatory



1 authority of intention to practice temporarily, and verification  
2 of one's qualifications for such practice.

3 R. "License" means authorization by a state psychology  
4 regulatory authority to engage in the independent practice of  
5 psychology that would be unlawful without the authorization.

6 S. "Non-compact state" means any state that is not at the  
7 time a compact state.

8 T. "Psychologist" means an individual licensed for the  
9 independent practice of psychology.

10 U. "Psychology interjurisdictional compact commission",  
11 also referred to as "commission", means the national  
12 administration of which all compact states are members.

13 V. "Receiving state" means a compact state where the  
14 client/patient is physically located when the telepsychological  
15 services are delivered.

16 W. "Rule" means a written statement by the psychology  
17 interjurisdictional compact commission promulgated pursuant to  
18 article XI of the compact that is of general applicability,  
19 implements, interprets, or prescribes a policy or provision of  
20 the compact or an organizational, procedural, or practice  
21 requirement of the commission. A rule has the force and effect



1 of statutory law in a compact state and includes the amendment,  
2 repeal or suspension of an existing rule.

3 X. "Significant investigatory information" means:

4 1. Investigative information that a state psychology  
5 regulatory authority, after a preliminary inquiry that  
6 includes notification and an opportunity to respond if  
7 required by state law, has reason to believe, if  
8 proven true, would indicate more than a violation of  
9 state statute or ethics code that would be considered  
10 more substantial than minor infraction; or  
11 2. Investigative information that indicates that the  
12 psychologist represents an immediate threat to public  
13 health and safety regardless of whether the  
14 psychologist has been notified and/or had an  
15 opportunity to respond.

16 Y. "State" means a state, District of Columbia,  
17 commonwealth, territory, or possession of the United States.

18 Z. "State psychology regulatory authority" means the  
19 board, office, or other agency with the legislative mandate to  
20 license and regulate the practice of psychology.



1 AA. "Telepsychology" means the provision of psychological  
2 services using telecommunication technologies.

3 BB. "Temporary authorization to practice" means a licensed  
4 psychologist's authority to conduct temporary in-person, face-  
5 to-face practice, within the limits authorized under this  
6 compact, in another compact state.

7 CC. "Temporary in-person, face-to-face practice" means  
8 where a psychologist is physically present (not through the use  
9 of telecommunications technologies) in the distant state to  
10 provide for the practice of psychology for thirty days within a  
11 calendar year and based on notification to the distant state.

12 **ARTICLE III**

13 **HOME STATE LICENSURE**

14 A. The home state shall be a compact state where a  
15 psychologist is licensed to practice psychology.

16 B. A psychologist may hold one or more compact state  
17 licenses at a time. If the psychologist is licensed in more  
18 than one compact state, the home state is the compact state  
19 where the psychologist is physically present when the services  
20 are delivered as authorized by the authority to practice



1 interjurisdictional telepsychology under the terms of this  
2 compact.

3 C. Any compact state may require a psychologist not  
4 previously licensed in a compact state to obtain and retain a  
5 license to be authorized to practice in the compact state under  
6 circumstances not authorized by the authority to practice  
7 interjurisdictional telepsychology under the terms of this  
8 compact.

9 D. Any compact state may require a psychologist to obtain  
10 and retain a license to be authorized to practice in a compact  
11 state under circumstances not authorized by temporary  
12 authorization to practice under the terms of this compact.

13 E. A home state's license authorizes a psychologist to  
14 practice in a receiving state under the authority to practice  
15 interjurisdictional telepsychology only if the compact state:

- 16 1. Currently requires the psychologist to hold an active  
17 e.passport;
- 18 2. Has a mechanism in place for receiving and  
19 investigating complaints about licensed individuals;
- 20 3. Notifies the commission, in compliance with the terms  
21 herein, of any adverse action or significant



3       4. Requires an identity history summary of all applicants  
4            at initial licensure, including the use of the results  
5            of fingerprints or other biometric data checks  
6            compliant with the requirements of the Federal Bureau  
7            of Investigation, or other designee with similar  
8            authority, no later than ten years after activation of  
9            the compact; and

**10** 5. Complies with the bylaws and rules of the commission.

11 F. A home state's license grants temporary authorization  
12 to practice to a psychologist in a distant state only if the  
13 compact state:



4. Requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than ten years after activation of the compact; and
5. Complies with the bylaws and rules of the commission.

## ARTICLE IV

## COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

11           A. Compact states shall recognize the right of a  
12           psychologist, licensed in a compact state in conformance with  
13           article III, to practice telepsychology in other compact states  
14           (receiving states) in which the psychologist is not licensed,  
15           under the authority to practice interjurisdictional  
16           telepsychology as provided in the compact.

17 B. To exercise the authority to practice  
18 interjurisdictional telepsychology under the terms and  
19 provisions of this compact, a psychologist licensed to practice  
20 in a compact state must:



1. Hold a graduate degree in psychology from an institute  
2 of higher education that was, at the time the degree  
3 was awarded:
  - 4 a. Regionally accredited by an accrediting body  
5 recognized by the U.S. Department of Education to  
6 grant graduate degrees, or authorized by  
7 provincial statute or royal charter to grant  
8 doctoral degrees; or
  - 9 b. A foreign college or university deemed to be  
10 equivalent to 1(a) above by a foreign credential  
11 evaluation service that is a member of the  
12 National Association of Credential Evaluation  
13 Services or by a recognized foreign credential  
14 evaluation service;
- 15 2. Hold a graduate degree in psychology that meets the  
16 following criteria:
  - 17 a. The program, wherever it may be administratively  
18 housed, must be clearly identified and labeled as  
19 a psychology program. The program must specify  
20 in pertinent institutional catalogues and







1 competence in telepsychology technology, criminal  
2 background, and knowledge and adherence to legal  
3 requirements in the home and receiving states; and  
4 provide a release of information to allow for primary  
5 source verification in a manner specified by the  
6 commission; and

7 8. Meet other criteria as defined by the rules of the  
8 commission.

9 C. The home state maintains authority over the license of  
10 any psychologist practicing into a receiving state under the  
11 authority to practice interjurisdictional telepsychology.

12 D. A psychologist practicing into a receiving state under  
13 the authority to practice interjurisdictional telepsychology  
14 will be subject to the receiving state's scope of practice. A  
15 receiving state may, in accordance with that state's due process  
16 law, limit or revoke a psychologist's authority to practice  
17 interjurisdictional telepsychology in the receiving state and  
18 may take any other necessary actions under the receiving state's  
19 applicable law to protect the health and safety of the receiving  
20 state's citizens. If a receiving state takes action, the state  
21 shall promptly notify the home state and the commission.



1       E. If a psychologist's license in any home state, another  
2 compact state, or any authority to practice interjurisdictional  
3 telepsychology in any receiving state, is restricted, suspended  
4 or otherwise limited, the e.passport shall be revoked and  
5 therefore the psychologist shall not be eligible to practice  
6 telepsychology in a compact state under the authority to  
7 practice interjurisdictional telepsychology.

## ARTICLE V

**COMPACT TEMPORARY AUTHORIZATION TO PRACTICE**

10           A. Compact states shall also recognize the right of a  
11           psychologist, licensed in a compact state in conformance with  
12           article III, to practice temporarily in other compact states  
13           (distant states) in which the psychologist is not licensed, as  
14           provided in the compact.

15 B. To exercise the temporary authorization to practice  
16 under the terms and provisions of this compact, a psychologist  
17 licensed to practice in a compact state must:

18           1. Hold a graduate degree in psychology from an institute  
19            of higher education that was, at the time the degree  
20            was awarded:



- a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, or authorized by provincial statute or royal charter to grant doctoral degrees; or
  - b. A foreign college or university deemed to be equivalent to 1(a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services or by a recognized foreign credential evaluation service; and
2. Hold a graduate degree in psychology that meets the following criteria:
  - a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. The program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;



- 1                   b. The psychology program must stand as a
- 2                    recognizable, coherent organizational entity
- 3                    within the institution;
- 4                   c. There must be a clear authority and primary
- 5                    responsibility for the core and specialty areas
- 6                    whether or not the program cuts across
- 7                    administrative lines;
- 8                   d. The program must consist of an integrated,
- 9                    organized sequence of study;
- 10                   e. There must be an identifiable psychology faculty
- 11                    sufficient in size and breadth to carry out its
- 12                    responsibilities;
- 13                   f. The designated director of the program must be a
- 14                    psychologist and a member of the core faculty;
- 15                   g. The program must have an identifiable body of
- 16                    students who are matriculated in that program for
- 17                    a degree;
- 18                   h. The program must include supervised practicum,
- 19                    internship, or field training appropriate to the
- 20                    practice of psychology;





1           8. Meet other criteria as defined by the rules of the  
2           commission.

3           C. A psychologist practicing into a distant state under  
4           the temporary authorization to practice shall practice within  
5           the scope of practice authorized by the distant state.

6           D. A psychologist practicing into a distant state under  
7           the temporary authorization to practice will be subject to the  
8           distant state's authority and law. A distant state may, in  
9           accordance with that state's due process law, limit or revoke a  
10          psychologist's temporary authorization to practice in the  
11          distant state and may take any other necessary actions under the  
12          distant state's applicable law to protect the health and safety  
13          of the distant state's citizens. If a distant state takes  
14          action, the state shall promptly notify the home state and the  
15          commission.

16          E. If a psychologist's license in any home state, another  
17          compact state, or any temporary authorization to practice in any  
18          distant state, is restricted, suspended or otherwise limited,  
19          the interjurisdictional practice certificate shall be revoked  
20          and therefore the psychologist shall not be eligible to practice



1 in a compact state under the temporary authorization to  
2 practice.

3 **ARTICLE VI**

4 **CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE**

5 A. A psychologist may practice in a receiving state under  
6 the authority to practice interjurisdictional telepsychology  
7 only in the performance of the scope of practice for psychology  
8 as assigned by an appropriate state psychology regulatory  
9 authority, as defined in the rules of the commission, and under  
10 the following circumstances:

11 1. The psychologist initiates a client/patient contact in  
12 a home state via telecommunications technologies with  
13 a client/patient in a receiving state; and  
14 2. Other conditions regarding telepsychology as  
15 determined by rules promulgated by the commission.

16 **ARTICLE VII**

17 **ADVERSE ACTIONS**

18 A. A home state shall have the power to impose adverse  
19 action against a psychologist's license issued by the home  
20 state. A distant state shall have the power to take adverse



1 action on a psychologist's temporary authorization to practice  
2 within that distant state.

3 B. A receiving state may take adverse action on a  
4 psychologist's authority to practice interjurisdictional  
5 telepsychology within that receiving state. A home state may  
6 take adverse action against a psychologist based on an adverse  
7 action taken by a distant state regarding temporary in-person,  
8 face-to-face practice.

9 C. If a home state takes adverse action against a  
10 psychologist's license, that psychologist's authority to  
11 practice interjurisdictional telepsychology is terminated and  
12 the e.passport is revoked. Furthermore, that psychologist's  
13 temporary authorization to practice is terminated and the  
14 interjurisdictional practice certificate is revoked.

15 1. All home state disciplinary orders that impose adverse  
16 action shall be reported to the commission in  
17 accordance with the rules promulgated by the  
18 commission. A compact state shall report adverse  
19 actions in accordance with the rules of the  
20 commission;



1           2. In the event discipline is reported on a psychologist,  
2           the psychologist will not be eligible for  
3           telepsychology or temporary in-person, face-to-face  
4           practice in accordance with the rules of the  
5           commission; and  
6           3. Other actions may be imposed as determined by the  
7           rules promulgated by the commission.

8           D. A home state's psychology regulatory authority shall  
9           investigate and take appropriate action with respect to reported  
10          inappropriate conduct engaged in by a licensee that occurred in  
11          a receiving state as it would if the conduct had been engaged in  
12          by a licensee within the home state. In such cases, the home  
13          state's law shall control in determining any adverse action  
14          against a psychologist's license.

15          E. A distant state's psychology regulatory authority shall  
16          investigate and take appropriate action with respect to reported  
17          inappropriate conduct engaged in by a psychologist practicing  
18          under temporary authorization to practice that occurred in that  
19          distant state as it would if the conduct had been engaged in by  
20          a licensee within the home state. In such cases, the distant



1 state's law shall control in determining any adverse action  
2 against a psychologist's temporary authorization to practice.

3 F. Nothing in this compact shall override a compact  
4 state's decision that a psychologist's participation in an  
5 alternative program may be used in lieu of adverse action and  
6 that such participation shall remain non-public if required by  
7 the compact state's law. Compact states must require  
8 psychologists who enter any alternative programs to not provide  
9 telepsychology services under the authority to practice  
10 interjurisdictional telepsychology or provide temporary  
11 psychological services under the temporary authorization to  
12 practice in any other compact state during the term of the  
13 alternative program.

14 G. No other judicial or administrative remedies shall be  
15 available to a psychologist in the event a compact state imposes  
16 an adverse action pursuant to subsection C, above.



## ARTICLE VIII

#### **ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY**

## REGULATORY AUTHORITY

A. In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to:

1. Issue subpoenas, for both hearings and investigations, that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses and/or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located;



1           2. Issue cease and desist and/or injunctive relief orders  
2           to revoke a psychologist's authority to practice  
3           interjurisdictional telepsychology and/or temporary  
4           authorization to practice; and  
5           3. During the course of any investigation, a psychologist  
6           may not change the psychologist's home state  
7           licensure. A home state psychology regulatory  
8           authority is authorized to complete any pending  
9           investigations of a psychologist and to take any  
10          actions appropriate under its law. The home state  
11          psychology regulatory authority shall promptly report  
12          the conclusions of such investigations to the  
13          commission. Once an investigation has been completed,  
14          and pending the outcome of said investigation, the  
15          psychologist may change the psychologist's home state  
16          licensure. The commission shall promptly notify the  
17          new home state of any such decisions as provided in  
18          the rules of the commission. All information provided  
19          to the commission or distributed by compact states  
20          pursuant to the psychologist shall be confidential,  
21          filed under seal, and used for investigatory or



1 disciplinary matters. The commission may create  
2 additional rules for mandated or discretionary sharing  
3 of information by compact states.

4 **ARTICLE IX**

5 **COORDINATED LICENSURE INFORMATION SYSTEM**

6 A. The commission shall provide for the development and  
7 maintenance of a coordinated licensure information system  
8 (coordinated database) and reporting system containing licensure  
9 and disciplinary action information on all psychologists and  
10 individuals to whom this compact is applicable in all compact  
11 states as defined by the rules of the commission.

12 B. Notwithstanding any other provision of state law to the  
13 contrary, a compact state shall submit a uniform data set to the  
14 coordinated database on all licensees as required by the rules  
15 of the commission, including:

16 1. Identifying information;  
17 2. Licensure data;  
18 3. Significant investigatory information;  
19 4. Adverse actions against a psychologist's license;



- 1       5. An indicator that a psychologist's authority to
- 2               practice interjurisdictional telepsychology and/or
- 3               temporary authorization to practice is revoked;
- 4       6. Non-confidential information related to alternative
- 5               program participation information;
- 6       7. Any denial of application for licensure, and the
- 7               reasons for such denial; and
- 8       8. Other information that may facilitate the
- 9               administration of this compact, as determined by the
- 10               rules of the commission.

11               C. The coordinated database administrator shall promptly

12               notify all compact states of any adverse action taken against,

13               or significant investigative information on, any licensee in a

14               compact state.

15               D. Compact states reporting information to the coordinated

16               database may designate information that may not be shared with

17               the public without the express permission of the compact state

18               reporting the information.

19               E. Any information submitted to the coordinated database

20               that is subsequently required to be expunged by the law of the



1 compact state reporting the information shall be removed from  
2 the coordinated database.

3 **ARTICLE X**

4 **ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT**

5 **COMMISSION**

6 A. The compact states hereby create and establish a joint  
7 public agency known as the psychology interjurisdictional  
8 compact commission.

9 1. The commission is a body politic and an  
10 instrumentality of the compact states;  
11 2. Venue is proper and judicial proceedings by or against  
12 the commission shall be brought solely and exclusively  
13 in a court of competent jurisdiction where the  
14 principal office of the commission is located. The  
15 commission may waive venue and jurisdictional defenses  
16 to the extent it adopts or consents to participate in  
17 alternative dispute resolution proceedings; and  
18 3. Nothing in this compact shall be construed to be a  
19 waiver of sovereign immunity.

20 B. Membership, voting, and meetings:



- 1       1. The commission shall consist of one voting
- 2               representative appointed by each compact state who
- 3               shall serve as that state's commissioner. The state
- 4               psychology regulatory authority shall appoint its
- 5               delegate. This delegate shall be empowered to act on
- 6               behalf of the compact state. This delegate shall be
- 7               limited to:
  - 8               a. Executive director, executive secretary, or
  - 9               similar executive;
  - 10              b. Current member of the state psychology regulatory
  - 11               authority of a compact state; or
  - 12              c. Designee empowered with the appropriate delegate
  - 13               authority to act on behalf of the compact state;
- 14       2. Any commissioner may be removed or suspended from
- 15               office as provided by the law of the state from which
- 16               the commissioner is appointed. Any vacancy occurring
- 17               in the commission shall be filled in accordance with
- 18               the laws of the compact state in which the vacancy
- 19               exists;
- 20       3. Each commissioner shall be entitled to one vote with
- 21               regard to the promulgation of rules and creation of



1 bylaws and shall otherwise have an opportunity to  
2 participate in the business and affairs of the  
3 commission. A commissioner shall vote in person or by  
4 such other means as provided in the bylaws. The

5 bylaws may provide for commissioners' participation in  
6 meetings by telephone or other means of communication;

7 4. The commission shall meet at least once during each  
8 calendar year. Additional meetings shall be held as  
9 set forth in the bylaws;

10 5. All meetings shall be open to the public, and public  
11 notice of meetings shall be given in the same manner  
12 as required under the rulemaking provisions in article  
13 XI;

14 6. The commission may convene in a closed, non-public  
15 meeting if the commission must discuss:

16 a. Non-compliance of a compact state with its  
17 obligations under the compact;

18 b. The employment, compensation, discipline, or  
19 other personnel matters, practices, or procedures  
20 related to specific employees; or other matters



1 related to the commission's internal personnel  
2 practices and procedures;

3 c. Current, threatened, or reasonably anticipated  
4 litigation against the commission;

5 d. Negotiation of contracts for the purchase or sale  
6 of goods, services, or real estate;

7 e. Accusation against any person of a crime or  
8 formally censuring any person;

9 f. Disclosure of trade secrets or commercial or  
10 financial information that is privileged or  
11 confidential;

12 g. Disclosure of information of a personal nature  
13 where disclosure would constitute a clearly  
14 unwarranted invasion of personal privacy;

15 h. Disclosure of investigatory records compiled for  
16 law enforcement purposes;

17 i. Disclosure of information related to any  
18 investigatory reports prepared by or on behalf of  
19 or for use of the commission or other committee  
20 charged with responsibility for investigation or



determination of compliance issues pursuant to  
the compact; or

j. Matters specifically exempted from disclosure by federal and state statute; and

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

20 C. The commission shall, by a majority vote of the  
21 commissioners, prescribe bylaws and/or rules to govern its



1 conduct as may be necessary or appropriate to carry out the  
2 purposes and exercise the powers of the compact, including but  
3 not limited to:

4       1. Establishing the fiscal year of the commission;

5       2. Providing reasonable standards and procedures:

6           a. For the establishment and meetings of other  
7               committees; and

8           b. Governing any general or specific delegation of  
9               any authority or function of the commission;

10      3. Providing reasonable procedures for calling and  
11       conducting meetings of the commission, ensuring  
12       reasonable advance notice of all meetings and  
13       providing an opportunity for attendance of such  
14       meetings by interested parties, with enumerated  
15       exceptions designed to protect the public's interest,  
16       the privacy of individuals of such proceedings, and  
17       proprietary information, including trade secrets. The  
18       commission may meet in closed session only after a  
19       majority of the commissioners vote to close a meeting  
20       to the public in whole or in part. As soon as  
21       practicable, the commission must make public a copy of



the vote to close the meeting revealing the vote of

each commissioner with no proxy votes allowed;

4. Establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission.

6. Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees;

7. Providing a mechanism for concluding the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment and/or reserving of all of its debts and obligations;

8. The commission shall publish its bylaws in a

convenient form and file a copy thereof and a copy of



1                   any amendment thereto, with the appropriate agency or  
2                   officer in each of the compact states;

3                   9. The commission shall maintain its financial records in  
4                   accordance with the bylaws; and

5                   10. The commission shall meet and take such actions as are  
6                   consistent with the provisions of this compact and the  
7                   bylaws.

8                   D. The commission shall have the following powers:

9                   1. The authority to promulgate uniform rules to  
10                  facilitate and coordinate implementation and  
11                  administration of this compact. The rule shall have  
12                  the force and effect of law and shall be binding in  
13                  all compact states;

14                  2. To bring and prosecute legal proceedings or actions in  
15                  the name of the commission; provided that the standing  
16                  of any state psychology regulatory authority or other  
17                  regulatory body responsible for psychology licensure  
18                  to sue or be sued under applicable law shall not be  
19                  affected;

20                  3. To purchase and maintain insurance and bonds;



- 1           4. To borrow, accept, or contract for services of
- 2           personnel, including but not limited to employees of a
- 3           compact state;
- 4           5. To hire employees, elect or appoint officers, fix
- 5           compensation, define duties, grant such individuals
- 6           appropriate authority to carry out the purposes of the
- 7           compact, and establish the commission's personnel
- 8           policies and programs relating to conflicts of
- 9           interest, qualifications of personnel, and other
- 10          related personnel matters;
- 11         6. To accept any and all appropriate donations and grants
- 12          of money, equipment, supplies, materials, and
- 13          services, and to receive, utilize, and dispose of the
- 14          same; provided that at all times the commission shall
- 15          strive to avoid any appearance of impropriety and/or
- 16          conflict of interest;
- 17         7. To lease, purchase, accept appropriate gifts or
- 18          donations of, or otherwise to own, hold, improve, or
- 19          use any property, real, personal, or mixed; provided
- 20          that at all times the commission shall strive to avoid
- 21          any appearance of impropriety;





1       The elected officers shall serve as the executive board,  
2       which shall have the power to act on behalf of the commission  
3       according to the terms of this compact.

4           1. The executive board shall be comprised of six members:

5               a. Five voting members who are elected from the  
6               current membership of the commission by the  
7               commission; and

8               b. One ex officio, nonvoting member from the  
9               recognized membership organization composed of  
10               state and provincial psychology regulatory  
11               authorities;

12           2. The ex officio member must have served as staff or  
13           member on a state psychology regulatory authority and  
14           will be selected by its respective organization;

15           3. The commission may remove any member of the executive  
16           board as provided in bylaws;

17           4. The executive board shall meet at least annually; and

18           5. The executive board shall have the following duties  
19           and responsibilities:

20               a. Recommend to the entire commission changes to the  
21               rules or bylaws, changes to this compact



legislation, fees paid by compact states such as annual dues, and any other applicable fees;

b. Ensure compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the commission;

- e. Monitor compact compliance of member states and provide compliance reports to the commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in rules or bylaws.

#### F. Financing of the commission:

1. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities;

2. The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

3. The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations.



1           activities of the commission and its staff, which must  
2           be in a total amount sufficient to cover its annual  
3           budget as approved each year for which revenue is not  
4           provided by other sources. The aggregate annual  
5           assessment amount shall be allocated based upon a  
6           formula to be determined by the commission, which  
7           shall promulgate a rule binding upon all compact  
8           states;

9           4. The commission shall not incur obligations of any kind  
10           prior to securing the funds adequate to meet the same;  
11           nor shall the commission pledge the credit of any of  
12           the compact states, except by and with the authority  
13           of the compact state; and

14           5. The commission shall keep accurate accounts of all  
15           receipts and disbursements. The receipts and  
16           disbursements of the commission shall be subject to  
17           the audit and accounting procedures established under  
18           its bylaws. However, all receipts and disbursements  
19           of funds handled by the commission shall be audited  
20           yearly by a certified or licensed public accountant



1 and the report of the audit shall be included in and  
2 become part of the annual report of the commission.

3 G. Qualified immunity, defense, and indemnification:

4 1. The members, officers, executive director, employees,  
5 and representatives of the commission shall be immune  
6 from suit and liability, either personally or in their  
7 official capacity, for any claim for damage to or loss  
8 of property or personal injury or other civil  
9 liability caused by or arising out of any actual or  
10 alleged act, error, or omission that occurred, or that  
11 the person against whom the claim is made had a  
12 reasonable basis for believing occurred, within the  
13 scope of commission employment, duties, or  
14 responsibilities; provided that nothing in this  
15 paragraph shall be construed to protect any such  
16 person from suit and/or liability for any damage,  
17 loss, injury, or liability caused by the intentional  
18 or willful or wanton misconduct of that person;

19 2. The commission shall defend any member, officer,  
20 executive director, employee, or representative of the  
21 commission in any civil action seeking to impose



1 liability arising out of any actual or alleged act,  
2 error, or omission that occurred within the scope of  
3 commission employment, duties, or responsibilities, or  
4 that the person against whom the claim is made had a  
5 reasonable basis for believing occurred within the  
6 scope of commission employment, duties, or  
7 responsibilities; provided that nothing herein shall  
8 be construed to prohibit that person from retaining  
9 that person's own counsel; and provided further, that  
10 the actual or alleged act, error, or omission did not  
11 result from that person's intentional or willful or  
12 wanton misconduct; and

13 3. The commission shall indemnify and hold harmless any  
14 member, officer, executive director, employee, or  
15 representative of the commission for the amount of any  
16 settlement or judgment obtained against that person  
17 arising out of any actual or alleged act, error, or  
18 omission that occurred within the scope of commission  
19 employment, duties, or responsibilities, or that such  
20 person had a reasonable basis for believing occurred  
21 within the scope of commission employment, duties, or



1                    responsibilities; provided that the actual or alleged  
2                    act, error, or omission did not result from the  
3                    intentional or willful or wanton misconduct of that  
4                    person.

5                    **ARTICLE XI**

6                    **RULEMAKING**

7                    A. The commission shall exercise its rulemaking powers  
8                    pursuant to the criteria set forth in this article and the rules  
9                    adopted thereunder. Rules and amendments shall become binding  
10                  as of the date specified in each rule or amendment.

11                  B. If a majority of the legislatures of the compact states  
12                  rejects a rule, by enactment of a statute or resolution in the  
13                  same manner used to adopt the compact, then such rule shall have  
14                  no further force and effect in any compact state.

15                  C. Rules or amendments to the rules shall be adopted at a  
16                  regular or special meeting of the commission.

17                  D. Prior to promulgation and adoption of a final rule or  
18                  rules by the commission, and at least sixty days in advance of  
19                  the meeting at which the rule will be considered and voted upon,  
20                  the commission shall file a notice of proposed rulemaking:

21                  1. On the website of the commission; and



1           2. On the website of each compact state's psychology  
2           regulatory authority or the publication in which each  
3           state would otherwise publish proposed rules.

4           E. The notice of proposed rulemaking shall include:

5           1. The proposed time, date, and location of the meeting  
6           in which the rule will be considered and voted upon;

7           2. The text of the proposed rule or amendment and the  
8           reason for the proposed rule;

9           3. A request for comments on the proposed rule from any  
10           interested person; and

11           4. The manner in which interested persons may submit  
12           notice to the commission of their intention to attend  
13           the public hearing and any written comments.

14           F. Prior to adoption of a proposed rule, the commission

15           shall allow persons to submit written data, facts, opinions, and  
16           arguments, which shall be made available to the public.

17           G. The commission shall grant an opportunity for a public

18           hearing before it adopts a rule or amendment if a hearing is  
19           requested by:

20           1. At least twenty-five persons who submit comments  
21           independently of each other;



- 1           2. A governmental subdivision or agency; or
- 2           3. A duly appointed person in an association that has at
- 3           least twenty-five members.

4           H. If a hearing is held on the proposed rule or amendment,  
5       the commission shall publish the place, time, and date of the  
6       scheduled public hearing.

7           1. All persons wishing to be heard at the hearing shall  
8           notify the executive director of the commission or  
9           other designated member in writing of their desire to  
10          appear and testify at the hearing not less than five  
11          business days before the scheduled date of the  
12          hearing;

13          2. Hearings shall be conducted in a manner providing each  
14          person who wishes to comment a fair and reasonable  
15          opportunity to comment orally or in writing;

16          3. No transcript of the hearing is required unless a  
17          written request for a transcript is made, in which  
18          case the person requesting the transcript shall bear  
19          the cost of producing the transcript. A recording may  
20          be made in lieu of a transcript under the same terms  
21          and conditions as a transcript. This subsection shall



1 not preclude the commission from making a transcript  
2 or recording of the hearing if it so chooses; and  
3 4. Nothing in this section shall be construed as  
4 requiring a separate hearing on each rule. Rules may  
5 be grouped for the convenience of the commission at  
6 hearings required by this section.

7 I. Following the scheduled hearing date, or by the close  
8 of business on the scheduled hearing date if the hearing was not  
9 held, the commission shall consider all written and oral  
10 comments received.

11 J. The commission shall, by majority vote of all members,  
12 take final action on the proposed rule and shall determine the  
13 effective date of the rule, if any, based on the rulemaking  
14 record and the full text of the rule.

15 K. If no written notice of intent to attend the public  
16 hearing by interested parties is received, the commission may  
17 proceed with promulgation of the proposed rule without a public  
18 hearing.

19 L. Upon determination that an emergency exists, the  
20 commission may consider and adopt an emergency rule without  
21 prior notice, opportunity for comment, or hearing; provided that

1 the usual rulemaking procedures provided in the compact and in  
2 this section shall be retroactively applied to the rule as soon  
3 as reasonably possible, in no event later than ninety days after  
4 the effective date of the rule. For the purposes of this  
5 provision, an emergency rule is one that must be adopted  
6 immediately in order to:

- 7 1. Meet an imminent threat to public health, safety, or  
8 welfare;
- 9 2. Prevent a loss of commission or compact state funds;
- 10 3. Meet a deadline for the promulgation of an  
11 administrative rule that is established by federal law  
12 or rule; or
- 13 4. Protect public health and safety.

14 M. The commission or an authorized committee of the  
15 commission may direct revisions to a previously adopted rule or  
16 amendment for purposes of correcting typographical errors,  
17 errors in format, errors in consistency, or grammatical errors.  
18 Public notice of any revisions shall be posted on the website of  
19 the commission. The revision shall be subject to challenge by  
20 any person for a period of thirty days after posting. The  
21 revision may be challenged only on grounds that the revision



1 results in a material change to a rule. A challenge shall be  
2 made in writing and delivered to the Chair of the commission  
3 prior to the end of the notice period. If no challenge is made,  
4 the revision will take effect without further action. If the  
5 revision is challenged, the revision may not take effect without  
6 the approval of the commission.

7 **ARTICLE XII**

8 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

9 A. Oversight:

10 1. The executive, legislative, and judicial branches of  
11 state government in each compact state shall enforce  
12 this compact and take all actions necessary and  
13 appropriate to effectuate the compact's purposes and  
14 intent. The provisions of this compact and the rules  
15 promulgated hereunder shall have standing as statutory  
16 law;

17 2. All courts shall take judicial notice of the compact  
18 and the rules in any judicial or administrative  
19 proceeding in a compact state pertaining to the  
20 subject matter of this compact that may affect the



1                   powers, responsibilities, or actions of the  
2                   commission; and

3                   3. The commission shall be entitled to receive service of  
4                   process in any such proceeding and shall have standing  
5                   to intervene in such a proceeding for all purposes.  
6                   Failure to provide service of process to the  
7                   commission shall render a judgment or order void as to  
8                   the commission, this compact, or promulgated rules.

9                   B. Default, technical assistance, and termination:

10                  1. If the commission determines that a compact state has  
11                  defaulted in the performance of its obligations or  
12                  responsibilities under this compact or the promulgated  
13                  rules, the commission shall:

14                  a. Provide written notice to the defaulting state  
15                  and other compact states of the nature of the  
16                  default, the proposed means of remedying the  
17                  default, and/or any other action to be taken by  
18                  the commission; and

19                  b. Provide remedial training and specific technical  
20                  assistance regarding the default;



- 1       2. If a state in default fails to remedy the default, the
- 2            defaulting state may be terminated from the compact
- 3            upon an affirmative vote of a majority of the compact
- 4            states, and all rights, privileges, and benefits
- 5            conferred by this compact shall be terminated on the
- 6            effective date of termination. A remedy of the
- 7            default does not relieve the offending state of
- 8            obligations or liabilities incurred during the period
- 9            of default;
- 10        3. Termination of membership in the compact shall be
- 11            imposed only after all other means of securing
- 12            compliance have been exhausted. Notice of intent to
- 13            suspend or terminate shall be submitted by the
- 14            commission to the governor, the majority and minority
- 15            leaders of the defaulting state's legislature, and
- 16            each of the compact states;
- 17        4. A compact state that has been terminated is
- 18            responsible for all assessments, obligations, and
- 19            liabilities incurred through the effective date of
- 20            termination, including obligations that extend beyond
- 21            the effective date of termination;



- 1       5. The commission shall not bear any costs incurred by
- 2               the state that is found to be in default or that has
- 3               been terminated from the compact, unless agreed upon
- 4               in writing between the commission and the defaulting
- 5               state; and
- 6        6. The defaulting state may appeal the action of the
- 7               commission by petitioning the U.S. District Court for
- 8               the state of Georgia or the federal district where the
- 9               compact has its principal offices. The prevailing
- 10               member shall be awarded all costs of such litigation,
- 11               including reasonable attorneys' fees.

12       C. Dispute Resolution:

- 13       1. Upon request by a compact state, the commission shall
- 14               attempt to resolve disputes related to the compact
- 15               that arise among compact states and between compact
- 16               and non-compact states; and
- 17        2. The commission shall promulgate a rule providing for
- 18               both mediation and binding dispute resolution for
- 19               disputes that arise before the commission.

20       D. Enforcement:



- 1       1. The commission, in the reasonable exercise of its
- 2               discretion, shall enforce the provisions and rules of
- 3               this compact;
- 4       2. By majority vote, the commission may initiate legal
- 5               action in the United States District Court for the
- 6               State of Georgia or the federal district where the
- 7               compact has its principal offices against a compact
- 8               state in default to enforce compliance with the
- 9               provisions of the compact and its promulgated rules
- 10               and bylaws. The relief sought may include both
- 11               injunctive relief and damages. In the event judicial
- 12               enforcement is necessary, the prevailing member shall
- 13               be awarded all costs of such litigation, including
- 14               reasonable attorneys' fees; and
- 15       3. The remedies herein shall not be the exclusive
- 16               remedies of the commission. The commission may pursue
- 17               any other remedies available under federal or state
- 18               law.



1

**ARTICLE XIII**

2

**DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL**

3

**COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND**

4

**AMENDMENTS**

5

A. The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state.

6

The provisions that become effective at that time shall be

7

limited to the powers granted to the commission relating to

8

assembly and the promulgation of rules. Thereafter, the

9

commission shall meet and exercise rulemaking powers necessary

10

to the implementation and administration of the compact.

11

B. Any state that joins the compact subsequent to the

12

commission's initial adoption of the rules shall be subject to

13

the rules as they exist on the date on which the compact becomes

14

law in that state. Any rule which has been previously adopted

15

by the commission shall have the full force and effect of law on

16

the day the compact becomes law in that state.

17

C. Any compact state may withdraw from this compact by

18

enacting a statute repealing the same.



1. A compact state's withdrawal shall not take effect until six months after enactment of the repealing statute; and
2. Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this Act prior to the effective date of withdrawal.

9           D. Nothing contained in this compact shall be construed to  
10    invalidate or prevent any psychology licensure agreement or  
11    other cooperative arrangement between a compact state and a  
12    non-compact state that does not conflict with the provisions of  
13    this compact.

14           E. This compact may be amended by the compact states. No  
15 amendment to this compact shall become effective and binding  
16 upon any compact state until it is enacted into the law of all  
17 compact states.

#### ARTICLE XIV

## CONSTRUCTION AND SEVERABILITY

20 This compact shall be liberally construed so as to  
21 effectuate the purposes thereof. If this compact shall be held



1 contrary to the constitution of any state member thereto, the  
2 compact shall remain in full force and effect as to the  
3 remaining compact states.

4 **S -3 Rules.** The department of commerce and consumer  
5 affairs shall adopt rules pursuant to chapter 91 for the  
6 purposes of implementing and administering this chapter."

7 SECTION 2. This Act shall take effect upon its approval.

8

INTRODUCED BY:

Andrea K. Nahm

By Request

JAN 23 2026



# H.B. NO. 2066

**Report Title:**

Hawaii State Association of Counties Package; Psychology Interjurisdictional Compact

**Description:**

Enacts, and authorizes the Governor to enter into, the Psychology Interjurisdictional Compact.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

